

REMARKS

Claims 1, 8, 9, 11, 12 and 14-22 are pending in the present application.

Claims 2-7, 10 and 13 have been canceled.

Claim 12 has been amended to depend from claim 1.

No new matter has been added by way of the above-amendment.

Telephone Interview

Applicants note with appreciation that the Examiner conducted a telephone Interview with Applicants' representative, Garth M. Dahlen, Ph.D., Esq. (#43,575) on December 21, 2006 to discuss the outstanding Restriction Requirement. Details of the conversation are given below.

Restriction Requirement

The Examiner has required election in the present application between:

Group I, claims 1, 8, 9 and 14-22, drawn to a method of extraction of phytosterols, squalene and vitamin E from crude palm oil;

Group II, claims 11, drawn to Vitamin E, squalene or phytosterols as extracted as in claim 1; and

Group III, claim 12, drawn to a method of extraction of phytosterols, squalene and vitamin E from crude palm oil.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1, 8, 9 and 14-22.

Applicants respectfully request rejoinder of Group I with Group III in view of the above-amendment wherein claim 12 has been amended to depend from claim 1.

Applicants contacted the Examiner on December 21, 2006 because Applicants were concerned about the relationship between the scope of the claims of Group I (method claims 1, 8, 9 and 14-22) and Group III (method claim 12). The method claim 1 completely encompasses method claim 12. Accordingly, Applicants are unclear of the ramifications of electing Group I or Group III. For example, it is unclear if Applicants elect Group I, whether there would be a bar to amending claim 1 to be of the same scope as claim 12.

Based on the telephone conversation with the Examiner, Applicants have amended claim 12 to depend from claim 1. The Examiner indicated that such an amendment would make it easier to search for the subject matter of both claims 1 and 12.

In addition, Applicants request rejoinder of Group II (product claim 11) with elected Group I (method claims 1, 8, 9 and 14-22). According to MPEP §803, if the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. As evidence of the undue burden, the Examiner has listed that class 514/subclass 1 is to be searched for Group II and class 424/subclass 727 is to be searched for Group I. In view of the fact that the computer searching software used by the Examiner enables the Examiner to combine the search for patents in multiple subclasses without having to view duplicates, the search of one extra subclass would not amount to an undue burden on the Examiner to consider all of claims 1, 8, 9, 11 and 14-22. As such, Applicants respectfully request that the Examiner rejoins Group II with Group I.

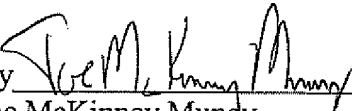
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Registration No 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: January 5, 2007

Respectfully submitted,

By 

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